

ZB# 83-28

Calvet Tool Rental

9-1-15



83-25 - Calvet Tool Rental - Concrete & bulk area.

Prelim. meeting
June 27, 1983.

Public Hearing:

Sept. 26, 1983.

Area Variance Denied

Requested → DC PD to be ✓
for to ~~9/27/83~~ notified.

General Receipt		5411
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		
Received of	Calnet Tool Rental Inc.	\$ 50 ⁰⁰ / ₁₀₀
	Fifty and 00/100	DOLLARS
For	3 Ba application fee 83-28	
DISTRIBUTION:		
FUND	CODE	AMOUNT
\$ 50.00	Check	
# 7743		
By Pauline J. Townsend E.C.		
Town Clerk		Title

Williamson Law Book Co., Rochester, N. Y. 14609

Legal Test: Area
 Findings: variance portion
 It is not in the
 interests of justice to grant
 because the lots created are
~~to be~~ so small that they
 would limit as a practical
 matter the uses allowable
 under P2 ~~app~~ Regs, which
 could be allowed on
 property.

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 83-28.

1. Municipality Town of New Windsor Public Hearing Date 9/26/83.
☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME Calvet Tool Rental, Inc.

Address 124 Windsor Highway, New Windsor N.Y.

Attorney, Engineer, Architect McGarry, Hansen & Geras.

3. Location of Site: Same as above.
(street or highway, plus nearest intersection)

Tax Map Identification: Section 9 Block 1 Lot 15.

Present Zoning District P.I. Size of Parcel 11.8 acres ±

4. Type of Review:

☐ Special Permit Use* _____

☒ Variance* Use _____

Area and interpretation of use (concrete)

☐ Zone Change* From: _____ To: _____

☐ Zoning Amendment* To Section: _____

☐ Subdivision** Major _____ Minor _____

9/15/83
Date

Patricia Delio Secy.
Signature and Title

*Cite Section of Zoning Regulations where pertinent
**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

OCPD-1



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

September 8, 1983

Elias D. Grevas, L.S.
45 Quassaick Ave
New Windsor, N.Y.

RE: 9-1-15

Dear Mr. Grevas:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$20.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads "Paula Sarvis".

PAULA SARVIS
ASSESSOR
Town of New Windsor



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Central Hudson Gas & Electric Corp.
c/o Tax Agent
284 South Avenue
Poughkeepsie NY 12602 ✓

Orsini Mario & Marion
103 Windsor Highway
New Windsor NY 12550 ✓

Roman Catholic Church of Saint Joseph
6 St. Joseph Place
New Windsor NY 12550 ✓

Honsberg Margaret
114 Windsor Highway
New Windsor NY 12550

De Crosta James V & Regina
108 Windsor Highway
New Windsor NY 12550 ✓

Catanzaro Charles
Parisi Joseph P
c/o Newburgh Savings Bank
Newburgh NY 12550

Kim Doo Joseph
425 Angola Road ✓
Cornwall NY 12518

Howell Diana F
7 Cavalry Drive East ✓
New City NY 10956

Borchert Jr Ernest H & Robert A ✓
Lattintown Road
Marlboro NY 12542

Scott H Morton
Orzechowski Leon ✓
182 Grand Street
Newburgh NY 12550

Monaco Frank & Frances ✓
122 South William Street
Newburgh NY 12550

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-98
(Number)

12 September 1983
(Date)

I. Applicant information:

- (a) Calvet Tool Rental, Inc., 124 Windsor Hwy., New Windsor, NY 12550
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance and interpretation of use.
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) PI Windsor Highway 9 1 15 11.8 ± acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-2
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1973

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-28
(Number)

12 September 1983
(Date)

I. Applicant information:

- (a) Calvet Tool Rental, Inc., 124 Windsor Hwy., New Windsor, NY 12550
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance and interpretation of use.
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) PI Windsor Highway 9 1 15 11.8 ± acres
(Zone) (Address) (\$ B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-2
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? _____. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. Yes - Rental equipment (heavy); sand and stone for concrete operation.

☒ IV. Use interpretation:

- (a) Use interpretation requested from New Windsor Zoning Local Law, Section 48-8, Table , Column A, to allow

Determine if the sale of ready-mixed concrete, for use by small

(Describe proposed use)

contractors and homeowners, is a permitted use on this property.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table Part II, Column 4

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000 s.f.</u>	Lot 1 <u>40,350 s.f.</u> + Lot 2 <u>32,559 s.f.</u>	Lot 1 <u>0' s.f.</u> + Lot 2 <u>1,450 s.f.</u>
Min. Lot Width <u>200'</u>	Lot 1 - <u>210'</u> Lot 2 - <u>185'</u>	Lot 1 - <u>0'</u> Lot 2 - <u>15'</u>
Reqd. Front Yard <u>60'</u>	<u>60'</u>	<u>0'</u>
Reqd. Side Yards <u>30 / 70</u>	<u>30 / 70</u>	<u>0 / 0</u>
Reqd. Rear Yard <u>30</u>	<u>30</u>	<u>0</u>
Reqd. Street Frontage* <u> </u>	<u> </u>	<u> </u>
Max. Bldg. Hgt. <u>4"/ft to lot line</u>	<u>same</u>	<u>none</u>

Determine if the sale of ready-mixed concrete, for use by small

(Describe proposed use)
contractors and homeowners, is a permitted use on this property.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V.

Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table Part II, Column 4

Requirements	Proposed or Available	Variance Request
Min. Lot Area 40,000 s.f.	Lot 1 40,350 s.f. + Lot 2 38,559 s.f. +	Lot 1 0' s.f. Lot 2 1,450 s.f.
Min. Lot Width 200'	Lot 1 - 210' Lot 2 - 185'	Lot 1 - 0' Lot 2 - 15'
Reqd. Front Yard 60'	60'	0'
Reqd. Side Yards 30 / 70	30 / 70	0 / 0
Reqd. Rear Yard 30	30	0
Reqd. Street Frontage*		
Max. Bldg. Hgt. 4"/ft to lot line	same	none
Min. Floor Area*		
Development Coverage* %	%	%
Floor Area Ratio** 0.5	0.5	0

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Topography and the location of an existing driveway and

retaining wall indicate that the establishment of two (2)

lots along Route 32 can best be subdivided in the manner

requested.



VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____

Total _____ sq.ft. _____ sq.ft. _____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Topography and the location of an existing driveway and
retaining wall indicate that the establishment of two (2)
lots along Route 32 can best be subdivided in the manner
requested.

☐ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

_____.

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft of the lot.

- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



IX. Attachments required:


- ☒ Copy of letter of referral from Building and Zoning Inspector.
- N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- N/A Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- N/A Other

X. AFFIDAVIT

Date 12 September 1983

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

12th day of September, 1983.

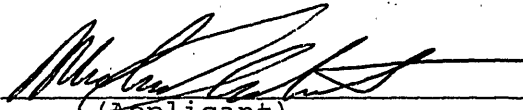
Ruth J. Eaton
RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1984
Reg. No. 4673512

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards:

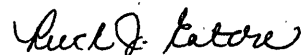
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RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1984
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XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

9/26/83 Calvet Tool Rental, Inc. - Public Hearing

Name:

Address:

Mario Orsini - ~~opposed~~

103 Windsor Hwy.

Margaret Lee ✓

82 Windsor Highway

Norman Lee

82 Windsor Highway

Janis D. Croft

108 Windsor Hwy.

Regina De Costa

108 Windsor Hwy.

Pete Calvert

35 Rambler Dr Highland Mills



Louis Heimbach
County Executive

**Department of Planning
& Economic Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

September 21, 1983

Mr. Richard Fenwick, Chairman
New Windsor Town Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12550

Re: Variance - Calvet Tool Rental, Inc.
Route 32
Our File No. NWT 10-83-M

Dear Mr. Fenwick:

Our office has reviewed the above application submitted to us in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby grant our approval.

Very truly yours,

Peter Garrison, Commissioner of
Planning & Economic Development

PG:mj
Enclosure

Reviewed by:

Joel Shaw
Senior Planner

RECEIVED
ATTORNEY'S OFFICE/ZBA
TOWN OF NEW WINDSOR

SEP 26 1983

BY:



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

September 27, 1983

Elias D. Grevas, L.S.
MC GOEY, HAUSER & GREVAS
45 Quassaick Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE and INTERPRETATION OF USE
CALVET TOOL RENTAL, INC. - No. 83-28

Dear Lou:

This is to confirm that the area variance portion of the above-entitled application was denied at the 9/26/83 public hearing before the Zoning Board of Appeals.

Regarding the interpretation of the use portion of the above-entitled application, the Zoning Board of Appeals found that it is a permitted use under the terms of subdivisions 4 and 6 of the Table of Use Regulations, Col. A, Uses Permitted by Right, in a PI (Planned Industrial) zone, subject to the approval of the Planning Board.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Town Planning Board
Town Building/Zoning Officer

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

DECISION

CALVET TOOL RENTAL, INC.

#83-28.
-----x

WHEREAS, CALVET TOOL RENTAL, INC., 124 Windsor Highway, New Windsor, New York, has made application before the Zoning Board of Appeals for area variances and an interpretation of use for purposes of: Area variances for Lot #2 on front portion of property, i.e. 1,450 sq. ft. area and 15 ft. lot width; and determination if the sale of ready-mixed concrete for use by small contractors and homeowners, is a permitted use on this property;

WHEREAS, a public hearing was held on the 26th day of September, 1983 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared by its agent Lou Grevas of McGoey, Hauser and Grevas, consulting engineers; and

WHEREAS, the application was opposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. It is not in the interests of justice to grant the area variances requested because the lots created are so small that they would limit as a practical matter the uses allowable under the PI (Planned Industrial) zoning classification which could be allowed on the property.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will not encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will result in substantial detriment to adjoining properties or change the character of the neighborhood.

Also, with respect to the interpretation of use portion of this application, the Zoning Board of Appeals found that it is a permitted use under the terms of subdivisions 4 and 6 of the Table of Use Regs., Col. A, Uses Permitted by Right, in a PI (Planned Industrial) zone, subject to the approval of the Planning Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor deny the area variances requested in accordance with the plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: 10/24/83.

S/ Richard Ferwick
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS - Date: September 26, 1983
DATE: September 13, 1983

Please be advised that the following is a schedule of public hearings to be heard before the Zoning Board of Appeals on the above date:

PIEROTTI, ELIZABETH (Music Box)
SCHOONMAKER HOMES, INC.
CALVET TOOL RENTAL, INC.

I have attached hereto copies of the pertinent application(s) together with public hearing notice(s).

Pat

/pd

Attachments

cc: Town Building/Zoning Officer Kennedy

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the ZONING BOARD OF APPEALS of the TOWN OF NEW WINDSOR, NEW YORK will hold a PUBLIC HEARING pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 28

Request of Calvet Tool Rental, Inc. for an interpretation of the use ordinance and of the regulations of the Zoning Ordinance to determine if the use of of a ready-mixed concrete operation is a permitted use; and a variance of the Bulk Regulations to provide a subdivided lot of less than 40,000 s.f. being a variance of Section 48-9, Part II, Col. 4, for the property situated as follows:

West side of Route 32 (Windsor Highway), north of St. Joseph's School, New Windsor, New York.

SAID HEARING will take place on the 26th day of September 1983, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock P. M.

Richard Fenwick

Chairman

2

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date June 23, 1983

To Calvet Tool Rental
Rte 32 Windsor Highway
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated June 23, 1983
for permit to Install & operate Self Hauling Concrete sales
at the premises located at Rte 32

is returned herewith and disapproved on the following grounds:

non-conforming use in an OL1 zone


Building Inspector

2

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

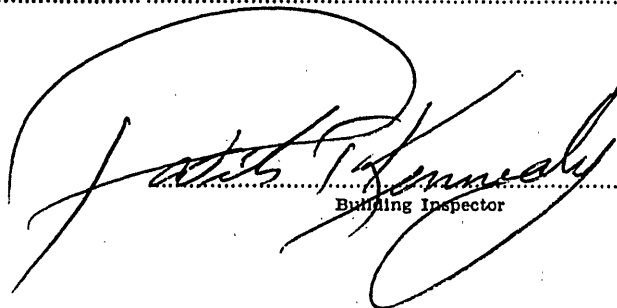
Date June 23, 1983

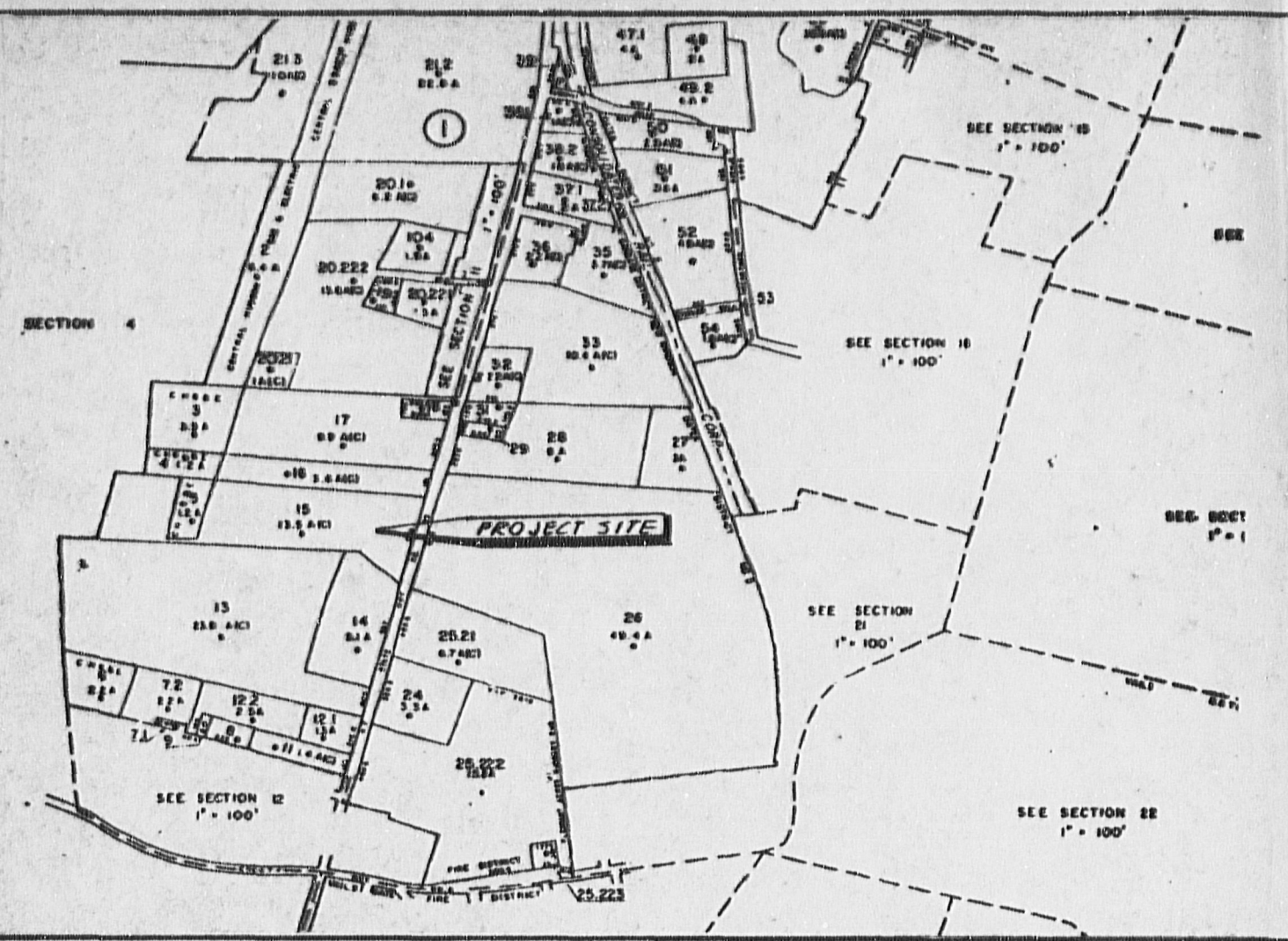
To Calvet Tool Rental
Rte 32 - Windsor Highway
New Windsor, N.Y. 12556

PLEASE TAKE NOTICE that your application dated June 23, 1983
for permit to Create a 3 Lot Subdivision
at the premises located at Rte 32

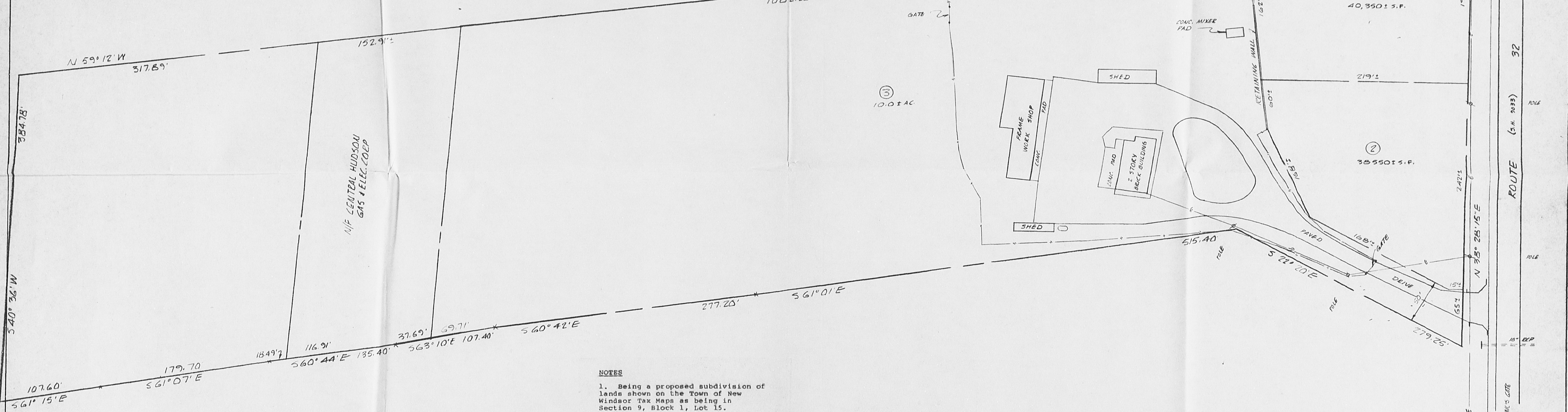
is returned herewith and disapproved on the following grounds:

non conforming lot Areas


Building Inspector



LOCATION MAP



NOTES

1. Being a proposed subdivision of lands shown on the Town of New Windsor Tax Maps as being in Section 9, Block 1, Lot 15.
2. Property Owner and Developer:
Calvet Tool Rental, Inc.
124 Windsor Highway, Route 32
New Windsor, New York 12550
3. Total Parcel Area: 11.8 Acres;
Lots: 3
4. Property Zone: P-I
5. Topographic data shown hereon is from field survey completed 5 May 1983.
6. Boundary data shown hereon is from a map entitled "Survey of Lands of Putnam Valley Restaurant, Inc. to be conveyed to Calvet Tool Rental, Inc." last revised 16 August 1975, prepared by Theodore Jargstorff, L.S.

McGOEY, HAUSER & GREVAS CONSULTING ENGINEERS 45 Quassaick Ave. (Rte. 9-W) New Windsor, New York 9 High Street Port Jervis, New York			SUBDIVISION FOR CALVET TOOL RENTAL, INC. TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK		
Revision Date Description			Drawn: WGH Checked: JH Scale: 1" = 100' Date: 11 May 83 Job No. 550523		
			SKETCH PLAN MINOR SUBDIVISION		
			Sheet: 1 Of: 1		

